IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

Bail Appl..No. 5588 of 2007()

CMP.4834/2007 of J.M.F.C.,MAVELIKKARA
CRIME NO.263/07 OF NOORANADU POLICE STATION

.....

: PETITIONER /A1

SUGATHAN AGED 37,S/O. NANU, ARUN BHAVAN,
KUTHIRAKUTTUM THADAM,PATTUR MURI,
NOORANADU VILLAGE.

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENTS: COMPLAINANT

STATE OF KERALA,REPRESENTED BY THE
C.I. OF POLICE, NOORANADU POLICE STATION,
(CRIME 263/07) REPRESENTED BY THE
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5588 of 2007

Dated this the 19th day of September, 2007

ORDER

Application for regular bail. The petitioner faces allegations, inter alia, under Section 302 I.P.C. Altogether there are 3 accused persons. Accused 2 and 3 are the wife and brother respectively of the petitioner. The 3rd accused has already been granted regular bail subject to conditions by this Court.

2. The crux of the allegations is that there is some strain in the relationship between the victim and the petitioner. They belong to Kurava and Ezhava communities respectively. The alleged incident took place on 28.07.07. The victim suffered injuries at the hands of the petitioner who wielded a dangerous knife. The victim succumbed to the injuries on 9.8.07. The petitioner was arrested on 1.8.07. He continues in custody from that date.

3. Admittedly a counter case is also registered on the complaint of the petitioner. Admittedly the petitioner had also suffered injury between the thumb and index finger of the right hand. Investigation is in progress. The learned Public Prosecutor submits that the police, after investigation, are about to refer the counter case.

4. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer on condition that appropriate conditions are imposed and safeguards taken and I am satisfied that in the totality of facts and circumstances which have been revealed to me, the petitioner can now be enlarged on bail subject to appropriate terms and conditions.

5. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of 3 months and thereafter as and when directed by the Investigating Officer in writing to do so;

iii) The petitioner shall not enter the Sessions Division of Alappuzha Police Station during the said period of 3 months without the permission of the learned Magistrate except for the purpose of complying with condition No.(ii).

(R.BASANT, JUDGE)

rtr/-